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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,390

04/12/2007

Rene Amherd

F-344

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EXAMINER

YUSUF, MOHAMMAD I

ART UNIT

PAPER NUMBER

3725

MAIL DATE

DELIVERY MODE

01/04/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/581,390

Applicant(s)

AMHERD, RENE

Examiner

MOHAMMAD YUSUF

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to because figure 1 fails to clearly illustrate the subject matter. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or

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“New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amherd (US 6,510,723) in view of Heskey et al. (US 6,453,719).

In regard to **claims 1-2**, Amherd discloses a electrically-operated pressing tool [fig. 2], having a hydraulic pump [17] acting on a hydraulic piston-cylinder unit [21] which is connected to a roller holder [3], with rollers that roll [inside 3, roller bearing 24] on the clamping jaws [4] of clamping pincers [4] and move the clamping jaws [4] relative to each other, wherein the pressing tool [fig. 2] has an elastic hydraulic oil accommodation container [28] and an actuating valve [31] for opening a passage from a forward conduit into a return conduit [29 and 30] between the hydraulic oil accommodation container and a cylinder space [20] of the piston-cylinder unit.

Amherd does not disclose that the hydraulic oil accommodation container is formed by an elastic sleeve which sealingly encompasses at least a portion of a cylinder housing of the piston-cylinder unit.

However, Heskey discloses [fig. 4B] an elastic sleeve [elastic bladder 224 which is the oil accommodation container] which sealingly encloses the cylinder housing of the piston-cylinder unit [212]. Heskey mentions a flexible membrane or elastic sleeve is used for fluid accommodation container because it would shorten the length of the hydraulic tool and decrease the weight of the tool [column 1, lines 13-15]. Heskey also discloses an actuation button [fig. 2, 72] and an actuation valve [52].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Amherd by providing a surrounded elastic flexible membrane fluid accommodation container and actuation mechanism as suggested by Heskey instead of a separate unit fluid accommodation container in order to shorten the length of the hydraulic tool and decrease the weight of the tool.

In regard to **claims 3**, Heskey discloses [fig. 2 and 4b] an actuating button [72] which releases actuating fluid from the accommodation container and that the actuating valve [52; note that fig. 4b and 2 have same pump assembly; see col.. 4 lines 45-47] is in functional connection with an actuating plunger [40 or 212] which from spring pressure bears on an inner side of the elastic sleeve [here examiner is reading "bears" as applies pressure on an inner sided of the elastic sleeve].

In regard to **claim 6**, Heskey discloses that the elastic sleeve increases volume [column 4, lines 60-64].

In regard to **claim 5, 7 and 10**, Amherd discloses that part of the return passages [30] is in zero degrees inclined with the longitudinal axis of the cylinder housing. Besides Heskey also discloses inclined return passage [74].

In regard to **claim 8**, Heskey discloses [fig. 4B] that the housing has two annular grooves for the elastic sleeve [ends of the elastic sleeve or bladder 224 has shape like annular bead and are sealed in the two annular grooves, see the figure 4B].

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 4 above, and further in view of Yasui et al. (US 5,195,354).

In regard to **claim 4**, Amherd in view of Heskey does not disclose a filter. However, Yasui discloses an oil filter [30] in connection with the accommodation container 29.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Amherd with an oil filter as suggested by Yasui in order to removed any unwanted residue or particles from the oil that might block out oil passages of the hydraulic mechanism.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 9 above, and further in view of Frenken (US 6,401,515).

In regard to **claim 10**, Amherd in view of Heskey fails to disclose cable binders to securely hold the annular beads in the annular groove. However, Frenken discloses [fig. 4] a accommodation container 13 which has annular bead and the end which is sealed in an annular groove with a cable binders [see figure 4 and 5].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Amherd in view of Heskey with cable binders as

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suggested by Frenken in order to make sure the annular beads does not shift away from the annular grooves when the tool shakes or is under operation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD YUSUF whose telephone number is (571) 270-7487. The examiner can normally be reached on Monday-Friday 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on (571) 272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dana Ross/
Supervisory Patent Examiner, Art Unit 3725

/MOHAMMAD YUSUF/
Examiner, Art Unit 3725